

# ***Town of Brewster***



## ***SPECIAL TOWN MEETING WARRANT***

**September 25, 2021**

***10:00 AM***

***STONY BROOK ELEMENTARY SCHOOL  
384 UNDERPASS ROAD***

Please bring this copy of the warrant to Town Meeting  
Large print copies of the warrant are available at the Brewster Town Offices

**TOWN OF BREWSTER**  
**SPECIAL TOWN MEETING WARRANT**  
**September 25, 2021**

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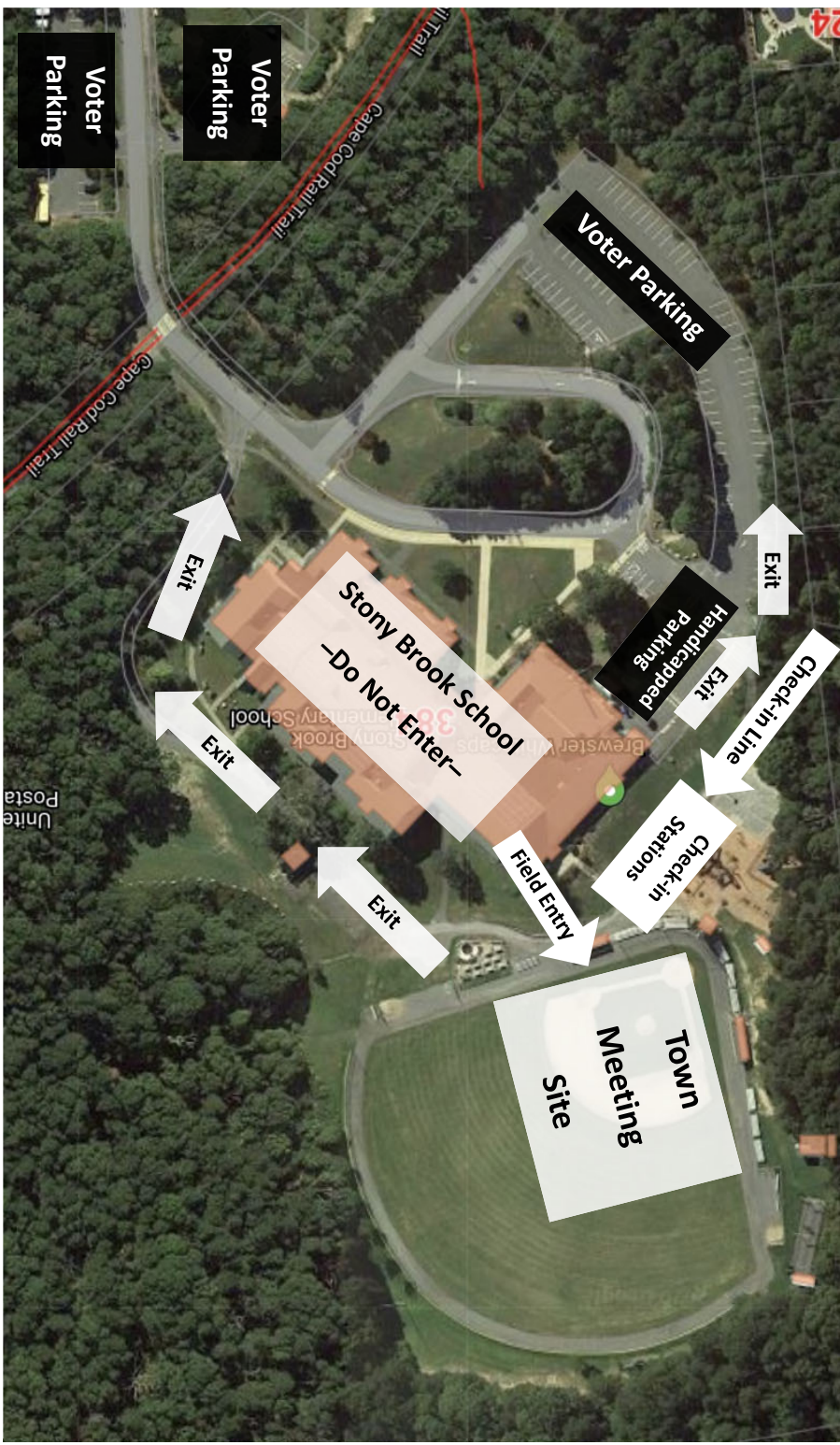
## BREWSTER TOWN MEETING INFORMATION

*September 2021 Special Town Meeting*

<b>DATE, TIME &amp; PLACE</b>	<p><b>DATE &amp; TIME:</b> Saturday, September 25, 2021, at 10AM</p> <p><b>CHECK-IN:</b> Starts at 9AM</p> <p><b>LOCATION:</b> Stonybrook School Ball Field ("Whitecaps Field"), 384 Underpass Rd.</p> <p><b>RAIN DATE:</b> Sunday, September 26, 2021, at 1PM (check-in starts at 12PM)</p>
<b>HEALTH &amp; SAFETY</b>	<p><b>MASKS:</b> A mask/face covering is recommended (unless medically unable).</p> <p><b>SOCIAL DISTANCE:</b> Maintain 6 feet from others (except those in your household).</p> <p><b>MICROPHONES:</b> Sanitized between speakers; masks are recommended when speaking.</p> <p><b>SEATING:</b> Seats will be in pairs; household members may sit together.</p> <p><b>HAND SANITIZER:</b> Sanitizer stations will be available; voters may bring their own.</p>
<b>ENTRY, MEETING, &amp; EXIT</b>	<p><b>ENTRY:</b> Form a socially distanced line at entry near playground (west of school).</p> <p><b>CHECK-IN:</b> When invited by greeter, approach check-in station to receive voter ticket.</p> <p><b>ENTER FIELD:</b> Proceed to single field entrance as directed, maintaining social distance.</p> <p><b>MICROPHONES:</b> Use closest stationary microphone to speak or raise hand for mobile "mike." Socially distance if there is a line at the microphone.</p> <p><b>DEPARTURE:</b> Voters should depart in an orderly manner and maintain social distancing</p>
<b>CHANGES TO IMPROVE SAFETY</b>	<p><b>VOTING:</b> All votes will be cast by raising voter ticket; there will be no voice votes.</p> <p><b>DEBATE:</b> The Moderator will encourage limiting debate to less than normal (1.5 minutes if speaking for or against an article).</p> <p><b>MOTION COPIES:</b> Only proposed amendments need to be handed to the Moderator.</p>
<b>AMENITIES</b>	<p><b>PARKING:</b> Use school and tennis parking areas.</p> <p><b>BATHROOMS:</b> Port-a-potties will be available on the field.</p> <p><b>FOOD/DRINKS:</b> Not available.</p> <p><b>TRANSPORTATION:</b> Not available.</p> <p><b>CHILD CARE:</b> Offered by Nauset Youth Alliance for children aged 5-12. Schedule in advance.</p>
<b>SPECIAL SERVICES</b>	<p><b>HANDICAPPED PARKING:</b> Use lot at west end of school near check-in point.</p> <p><b>HANDICAPPED BATHROOMS:</b> Accessible port-a-potties will be available on the field.</p> <p><b>MOBILITY IMPAIRED SEATING:</b> Available.</p> <p><b>MOBILITY IMPAIRED CHECK-IN:</b> Please proceed to beginning of check-in line.</p> <p><b>UNABLE TO WEAR A MASK?</b> Seating with greater social distance will be available.</p> <p><b>PLEASE CALL:</b> If possible, call the Town Administrator's office before the meeting to let us know of your needs so we can assist you. Phone: (508) 896-3701 ext. 1100.</p>
<b>WHAT TO BRING</b>	<ul style="list-style-type: none"> <li>• Town Warrant booklet: copies will be available at Town Meeting.</li> <li>• Hand sanitizer, insect repellent, sunscreen (no tent), sunglasses &amp; water bottle if desired.</li> <li>• Patience.</li> </ul>
<b>WHAT NOT TO DO</b>	<ul style="list-style-type: none"> <li>• Please don't bring your own chair or food (unless medically required).</li> <li>• Please don't gather in groups on the field before or after the meeting.</li> </ul>

# Brewster Special Town Meeting

Saturday, September 25, 2021 @ 10am  
Whitecaps Ball Field, Stony Brook School



Voter Movement Map

## Town Moderator Information for Brewster Voters

Brewster Voters:

Brewster Town Meeting is again being held under unusual circumstances. We want to reduce the chance of infectious disease transmission, so it is important we conduct the Town's business as efficiently as possible.

Given these conditions, and the need to balance public health concerns with the need to carry out the Town's business, we will continue to implement modified meeting procedures. To prepare voters in advance and to minimize the length of my opening remarks, I'm providing information here that will be helpful to everyone who plans to attend.

**PLEASE DO NOT ATTEND TOWN MEETING IF YOU MAY HAVE COVID, INCLUDING IF YOU HAVE:**

- Any COVID symptoms (e.g., fever, chills, cough, loss of appetite or sense of taste or smell, and fatigue). See [www.CDC.gov](http://www.CDC.gov) for more information.
- Had contact in the previous 2 weeks with a person diagnosed with COVID.

1. **Disclosures:** I have filed disclosures with the Town Clerk about organizations I have had relationships with.
2. **Check-in:** Will start at 9am. Please form a socially distanced single line at the check-in area at the west side of Stony Brook School. A greeter will direct you to a check-in station. If you have a mobility issue, please move to the beginning of the check-in line.
3. **Town Warrants:** Copies of the Town Warrant will be available; voters are invited to bring their own copy.
4. **Seating:** Seats will be set up in pairs and will be socially distanced. Members of the same household may take seats together.
5. **CERT:** Members of the regional Community Emergency Response Team (CERT) will provide assistance during Town Meeting. They will be wearing visible attire. For safety, please follow their instructions.
6. **Town Officials Participating in Town Meeting:** The following will be in attendance:
  - Select Board: Chair Cynthia Bingham, David Whitney, Mary Chaffee, Ned Chatelain, and Kari Hoffmann
  - Town Administrator: Peter Lombardi
  - Assistant Town Administrator: Donna Kalinick
  - Town Clerk: Colette Williams
  - Finance Committee: Chair Pete Dahl, Frank Bridges, William Meehan, Honey Pivrotto, Robert Young, Alex Hopper, Robert Tobias, Andrew Evans and William Henchy
  - Finance Director: Mimi Bernardo
  - Town Counsel: Jonathan Silverstein and Shirin Everett of KP Law
  - Constable: Roland Bassett, Jr.
7. **Meeting Rules of Order**
  - Brewster uses "Town Meeting Time: A Handbook of Parliamentary Law" as well as local practice and tradition.
  - Please be respectful and courteous to others.
  - All questions or comments should be directed only to the Moderator.
8. **Time Clock.** Because of the unusual circumstances of this meeting and the need to reduce the time we are together, I will encourage briefer debate than normal. Under our bylaw, residents may speak

for or against an article for up to 3 minutes. For this meeting, I will recommend residents limit their comments to 1.5 minutes to speak for or against.

**9. Voting**

- All voting will be done by a show of hands using voter tickets.
- There will be no voice votes.
- The Moderator will evaluate the show of hands and announce the result.
- Voters may challenge the Moderator's result; if more than 7 request a count, one will be done.

**10. Microphones**

- Stationary microphones will be set up at the front of each aisle in the voter seating area.
- Mobile microphones will be available if you wish to speak from your seating area; raise your hand to alert a microphone manager.
- Please avoid handling the microphones. An assistant can adjust the microphone for you. Masks are recommended when speaking.
- If there is a line at the microphone, please stay 6 feet from others including seated voters. Flags in the ground will mark 6-foot intervals.
- The microphones will be sanitized between speakers.
- State your name and address when you speak.

**11. Motions**

- Amendments:
  - If a minor amendment is proposed, the Moderator may accept it verbally.
  - If a longer amendment is offered, provide it in writing to the Town Clerk or her staff.
- If you are unclear at any time about an action, raise your voter ticket to be recognized and state, "Point of order."

**12. Departure:**

- Please adjourn in an orderly manner, maintaining social distancing.
- Please maintain social distance until you are in your vehicle and do not gather in groups.

**13. Services**

- If you need handicapped parking, special seating, or any other type of assistance, please contact the Town Administrator's office (508-896-3701 ext. 1100) before Town Meeting. We want to make sure we have the services you may require.
- Port-a-potties will be available on the baseball field; some will be accessible.
- Space will be available for voters using wheelchairs.
- Handicapped parking will be available near the check-in point at the playground (at the west end of the Stony Brook School).
- Those with impaired mobility should move to the front of the check-in line.
- Nauset Youth Alliance will provide free child care services for children ages 5 – 12 in the Stony Brook School during Town Meeting. Masks will be required. If you would like to utilize this service, please call 508-896-7900 or email [drost@nausetyouthalliance.org](mailto:drost@nausetyouthalliance.org).
- We regret that we cannot offer transportation to this meeting. Food and beverages will not be available either.

**14. Handouts/Flyers:** A designated area will be available for distribution of materials to voters.

**15. Thank you.** I appreciate your commitment to conducting the Town's business and your attention to efforts that will keep us all safe.

Charles Sumner, Town Moderator

## Voter Information: Potential Acquisition of the Cape Cod Sea Camps

### SEA CAMPS POND PARCEL: Overview

<b>Address</b>	500 W.H. Besse Cartway
<b>Owner</b>	Camp Wono, Inc.
<b>Size</b>	66 acres
<b>Parcel ID</b>	84-45
<b>Zoning</b>	Residential Medium (RM) & Residential Rural (RR)
<b>Zoning Considerations</b>	About half of parcel is in Zone II (aquifer recharge area), Brewster Water Protection District & Natural Resource Protection District
<b>Frontage</b>	765 feet (Route 137)
<b>Shoreline</b>	~1,200 feet

### SEA CAMPS POND PARCEL: Facilities

- The Pond parcel is largely undeveloped
- Structures include boating equipment storage & an office

### SEA CAMPS POND PARCEL: Potential Town Uses

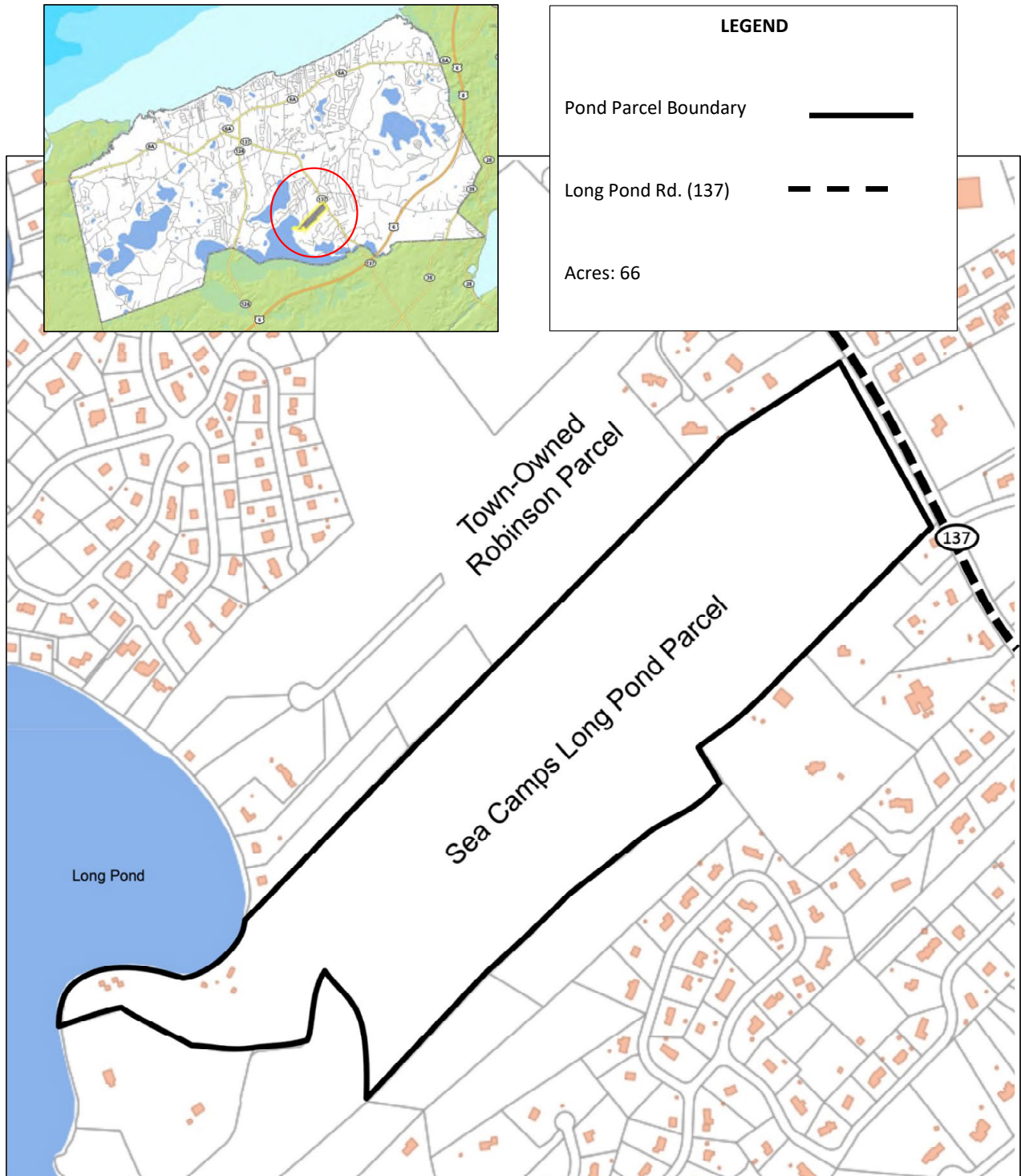
- New public beach & beach parking on Long Pond (possibly residents only)
- Recreation activities, e.g., swimming lessons, boating, sailing
- Conservation/open space, habitat & watershed protection
- Public watercraft storage (kayak, canoe, stand-up paddleboard)
- Partnership with Brewster Conservation Trust to develop extensive hiking/trail system of 100+ acres when combined with adjacent Robinson property
- Partnership with Massachusetts Audubon Society to develop on-site programs
- Appropriately scaled community housing near Route 137 (partnering with Brewster Affordable Housing Trust)

### SEA CAMPS POND PARCEL: Pledged Contributions

• Brewster Conservation Trust	\$1.5 million
• Massachusetts Audubon Society	\$1.0 million
• Brewster Water Department Enterprise Retained Earnings	\$250,000

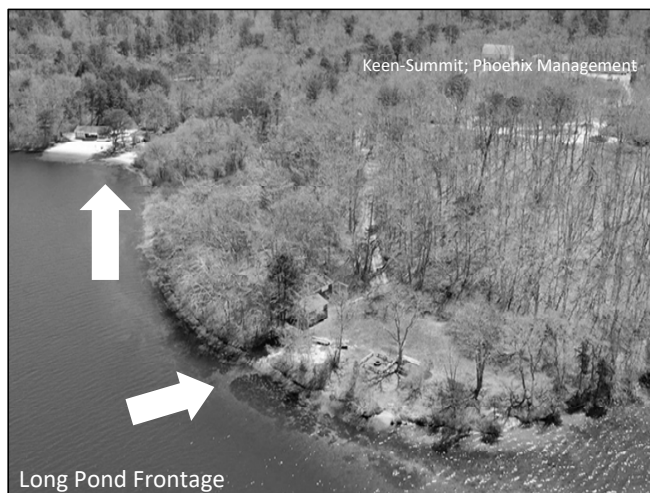
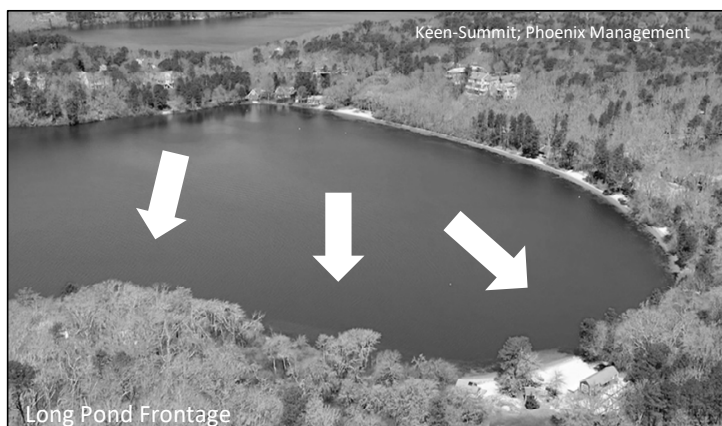


## SEA CAMPS POND PARCEL: Maps





## SEA CAMPS POND PARCEL: Photos



*Photos by Town of Brewster except where noted.*

### SEA CAMPS BAY PARCEL: Overview

<b>Address</b>	3057 Main Street, Brewster
<b>Owner</b>	Camp Wono, Inc.
<b>Size</b>	54.7 acres
<b>Parcel ID</b>	101-45
<b>Zoning</b>	RM (Residential Medium Density)
<b>Zoning Considerations</b>	Old King's Highway Historic District, soil conservancy district & wetlands
<b>Frontage</b>	824 feet (on Main Street)
<b>Shoreline</b>	~800 feet

### SEA CAMPS BAY PARCEL: Facilities

- Administration building
- 50+ cabins, cottages & dorms
- Beachfront
- Boathouse
- Dining hall with commercial kitchen area
- Olympic-sized swimming pool with swimming pavilion
- Art center
- Basketball courts
- 9 lighted tennis courts
- Fields for soccer, lacrosse, baseball, archery, field hockey & other sports
- 2 outdoor theatres
- Maintenance building & garage
- Woodworking shop

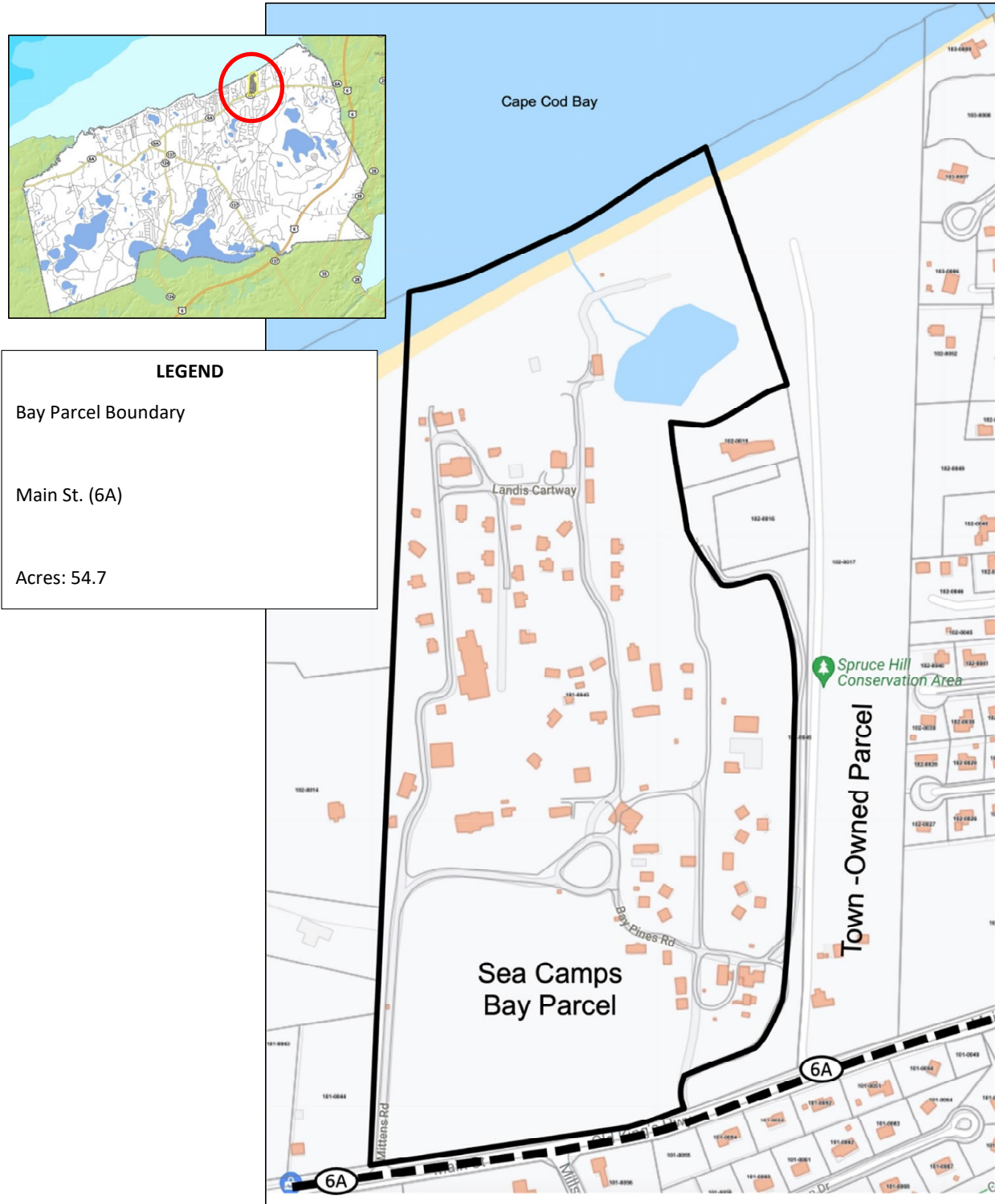
### SEA CAMPS BAY PARCEL: Potential Town Uses

- New public beach & beach parking (possibly residents only)
- Community center & group meeting spaces
- Expanded municipal recreation facilities: swimming pool, tennis, basketball, outdoor theatres, basketball, boating/sailing, playgrounds, trails
- Town offices
- Conservation, open space & habitat protection, coastal resiliency
- Partnership(s) to expand recreational activities & programs
- Bike trail spur from Cape Cod Rail Trail to beach
- Boat moorings

### SEA CAMPS BAY PARCEL: Pledged Contributions

- |                                 |               |
|---------------------------------|---------------|
| • Massachusetts Audubon Society | \$1.0 million |
| • Anonymous Private Donor       | \$750,000     |

## SEA CAMPS BAY PARCEL: Maps



## SEA CAMPS BAY PARCEL: Photos



*Photos by Town of Brewster except where noted.*

## POTENTIAL USE OF EMINENT DOMAIN TO ACQUIRE THE CAPE COD SEA CAMPS

### ABOUT EMINENT DOMAIN

- Legal right of governments to acquire property for public purposes
- Requires just compensation to the owner of property
- Brewster Town Meeting has authorized at least 31 major eminent domain actions since 1918

### REQUIREMENTS FOR BREWSTER TO ACQUIRE THE SEA CAMPS IF EMINENT DOMAIN IS NEEDED

- Acquisition must be for public purpose (Done)
- Property must be identified (Done)
- Title research is required (Done)
- Brewster voters must authorize and appropriate funds (Town Meeting and local election)
- Property inspection is required
- Just compensation must be provided

### NEXT STEPS IF EMINENT DOMAIN ACQUISITION OF THE SEA CAMPS IS AUTHORIZED

- **Order of Taking:** The Select Board will adopt an Order of Taking.
- **Recording:** The Order of Taking is recorded by the Barnstable County Registrar of Deeds.
  - Once recorded, the Town of Brewster becomes the legal owner.
  - Recording permits the Town to provide compensation to the former owner.
- **Notice of Taking:** Notice is provided to others with an interest in the properties, e.g., a bank holding a mortgage.
- **Just Compensation to the Former Owner:** The Town will calculate fair compensation for the former owners based on carefully prepared appraisals and expert consultation.
  - **"Just Compensation":** Fair market value of the property at the time the property is transferred. The Town acquired appraisals to determine just compensation.
- **Appeal:** The former owner has 3 years to appeal the Town's action.
  - **Appeal process:** If appealed, a jury trial will be held. If the jury awards a higher amount than paid, Brewster voters would need to approve appropriation of the difference.

**REFERENCE:** Commonwealth of Massachusetts, General Laws Chapter 79: Eminent Domain  
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIII/Chapter79>

## **TOWN OF BREWSTER SPECIAL TOWN MEETING SEPTEMBER 25, 2021**

Barnstable, ss

To: Roland W. Bassett, Jr. Constable of the Town of Brewster

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and inform the Town of Brewster inhabitants qualified to vote in Town affairs to meet at the Stony Brook Elementary School, 384 Underpass Road, on **Saturday, SEPTEMBER 25, 2021**, next, at 10:00 o'clock in the morning, then and there to act upon the following articles:

### **ARTICLE NO. 1: LAND ACQUISITION - 500 W.H. BESSE CARTWAY**

To see if the Town will authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, the parcel of land with the improvements thereon located at 500 W.H. Besse Cartway, Brewster, containing 66 acres, more or less, shown on Assessors Map 84 as Parcel 45, and described in a deed recorded with the Barnstable Registry of Deeds in Book 1388, Page 1185, for habitat protection, watershed protection, open space, conservation and passive recreation, active recreation, community housing, and/or general municipal purposes, and for the purpose of granting conservation easements and/or restrictions on such portions of the property that the Select Board may determine to provide for habitat protection, watershed protection, open space, conservation and passive recreation purposes, and to raise and appropriate, transfer from available funds, and/or borrow a sum to fund the foregoing acquisition and the payment of all costs incidental or related thereto; provided, however, that the appropriation authorized hereunder shall be contingent upon approval by the voters of a ballot question to exclude the amounts to pay for any bonds or notes authorized for this purpose from the provisions of Proposition 2½, so called, and to authorize the Select Board to convey the foregoing conservation easements and/or restrictions to charitable corporations or trusts whose purposes include conservation of land or water areas on such terms and conditions as the Select Board deems appropriate, and, further, to authorize the Select Board and/or its designee to apply for, accept and expend any state and/or federal grants and/or loans or other public or private funds that may be available for the foregoing purposes and to take any and all actions and execute any and all documents necessary or convenient to accomplish the foregoing purposes; or take any other action in relation thereto.

(Board of Selectmen)

(Two-Thirds Vote Required)

### **COMMENT**

This article will authorize the Select Board to acquire the so-called Long Pond parcel located at 500 W.H. Besse Cartway for a number of potential public purposes. This 66 acre parcel is currently the largest privately held property in Brewster. It has almost 800 feet of frontage on Long Pond Road (Route 137) and about 1,200 feet of shoreline in the northeast corner of Long Pond. It is mainly comprised of wooded upland and is largely undeveloped. About half of the property is located in the Town's Zone II (aquifer recharge area), Brewster Water Protection District and Natural Resource Protection District. It is immediately adjacent to Long Pond Woodlands (the so-called Robinson property), 42 acres of conservation land purchased by the Town several years ago.

The acquisition of this land is contingent on approval of a debt exclusion ballot measure at the local election to be held on October 5, 2021. To date, the Town has secured pledges of \$1.5 million from the Brewster Conservation Trust and \$1 million from Mass Audubon to assist with the acquisition costs of this parcel. The Brewster Water Commission has also approved appropriating \$250,000 in available retaining earnings to help with acquisition expenses. While a number of potential future public uses are contemplated in the warrant article, if the Town acquires this parcel, we will undertake a resident engagement process that will inform the development of a Master Plan. It is anticipated that a majority of this property will be permanently protected with a conservation restriction. The Master Plan will provide specific details and, once completed, will be brought back to a future Town Meeting for voter consideration and approval.

**Selectmen:        Yes 5, No 0, Abs 0**

**Finance Committee:        Yes 7, No 0, Abs 0**

## **ARTICLE NO. 2: LAND ACQUISITION - 3057 MAIN STREET**

That the Select Board is authorized to acquire, by purchase, gift, and/or eminent domain, the parcel of land with the improvements thereon located at 3057 Main Street, Brewster, containing 54.7 acres, more or less, shown on Assessors Map 101 as Parcel 45, and described in a deed recorded with the Barnstable Registry of Deeds in Book 1388, Page 1188 (excluding therefrom the parcel shown on Assessors Map 101 as Parcel 46) and in Certificate of Title No. 30242, for habitat protection, watershed protection, open space, conservation and passive recreation, active recreation, community housing, community center and/or general municipal purposes, and for the purpose of granting conservation easements and/or restrictions on such portions of the property that the Select Board may determine to provide for habitat protection, watershed protection, open space, conservation and passive recreation purposes, and to raise and appropriate, transfer from available funds, and/or borrow a sum to fund the foregoing acquisition and all costs incidental or related thereto; provided, however, that the appropriation authorized hereunder shall be contingent upon approval by the voters of a ballot question to exclude the amounts to pay for any bonds or notes authorized for this purpose from the provisions of Proposition 2½, so called, and to authorize the Select Board to convey the foregoing conservation easements and/or restrictions to charitable corporations or trusts whose purposes include conservation of land or water areas on such terms and conditions as the Select Board deems appropriate, and, further, to authorize the Select Board and/or its designee to apply for, accept and expend any state and/or federal grants and/or loans or other public or private funds that may be available for the foregoing purposes and to take any and all actions and execute any and all documents necessary or convenient to accomplish the foregoing purposes; or take any other action in relation thereto.

(Board of Selectmen)

(Two-Thirds Vote Required)

### **COMMENT**

This article will authorize the Select Board to acquire the so-called Bay parcel located at 3057 Main Street for a number of potential public purposes. This 55 acre parcel is currently the 4<sup>th</sup> largest privately held property in Brewster. It is located within the Old King's Highway Historic District and has over 800 feet of frontage on Main Street (Route 6A). It has about 800 feet of shoreline on Cape Cod Bay and is adjacent to Town-owned conservation land and beach at Spruce Hill. Serving as the primary location for



Cape Cod Sea Camps operations for many years, this property has extensive recreation facilities including an Olympic-sized outdoor swimming pool, lighted tennis courts, outdoor theatres, fields for a variety of sports, basketball courts, and a boathouse and an arts center – both built within the last 10 years. This parcel has 50+ cabins and cottages as well as a dining hall, a health center, a historic administrative building, a maintenance area and a garage.

The acquisition of this property is contingent on approval of a debt exclusion ballot measure at the local election to be held on October 5, 2021. To date, the Town has secured pledges of \$1 million from Mass Audubon and \$750,000 from an anonymous private donor to assist with the acquisition costs of this parcel. Other organizations have expressed interest in potentially partnering with the Town in the future on this property, including YMCA Cape Cod and the Trustees of Reservations. While a number of potential future public uses are contemplated in the warrant article, if the Town acquires this parcel, we will undertake a resident engagement process that will inform the development of a Master Plan. The Master Plan, once completed, will be brought back to a future Town Meeting for voter consideration and approval.

**Selectmen: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 7, No 0, Abs 0**

### **ARTICLE NO. 3: MAINTENANCE AND UPKEEP OF PROPERTIES**

To see if the Town will vote to transfer from free cash the sum of \$200,000 to pay costs associated with the maintenance, security, operations, repair and/or rehabilitation of the parcels of land and the improvements thereon located at 3057 Main Street and/or 500 W.H. Besse Cartway, with said moneys to be expended under the direction of the Select Board; or take any other action in relation thereto.

(Board of Selectmen)

(Majority Vote Required)

#### **COMMENT**

These funds will be used to cover interim operating expenses associated with the general maintenance of one or both properties the Town is seeking to acquire in Articles 1 and 2 in this warrant. Depending on which properties the Town ultimately acquires, the timing of when those acquisitions occur, and the extent to which public access to these properties will be provided in the near term will impact when further such appropriations will be necessary. The Town has developed an initial budget for maintaining the properties based on the information available at this time. This plan will be further refined and updated once the Town has access to additional information about the facilities. Property maintenance will also include utilizing some existing Town staffing resources. The Town may partner with other organizations to mitigate some of these interim expenses. The Master Plan process is intended to clearly define future ongoing operating expenses associated with one or both properties based on anticipated future uses and potential partnerships.

**Selectmen: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 7, No 0, Abs 0**

You are hereby directed to serve this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting as aforesaid.

Given under our hand and Seal of the **Town of Brewster** affixed this **3rd day of September 2021**.

\_\_\_\_\_  
Cynthia A. Bingham, Chair

\_\_\_\_\_  
David C. Whitney, Vice Chair

\_\_\_\_\_  
Edward B. Chatelain, Clerk

\_\_\_\_\_  
Mary Chaffee

\_\_\_\_\_  
Kari Hoffmann

I, Roland W. Bassett Jr, duly qualified Constable for the Town of Brewster, hereby certify that I served the Warrant for the Special Town Meeting of September 25, 2021, by posting attested copies thereof, in the following locations in the Town on the 3rd day of September 2021.

Brewster Town Offices	Café Alfresco
Brewster Ladies Library	Brewster Pizza House
The Brewster General Store	Millstone Liquors
U. S. Post Office	

\_\_\_\_\_  
Roland W. Bassett, Jr. Constable

## **MODERATOR'S RULES REGARDING TOWN MEETING**

Priority shall be given to registered voters of the Town for admission to all Town Meetings, whether annual or special meetings. Therefore, the following rules shall apply:

1. Prior to admission, persons desiring admission shall check in with the Registrars of Voters, who will be present at the main entrance with voter registration lists.
2. Non-voters, who desire to be present, will be seated in the area designated as the nonvoter section. Voters take priority seating.
3. Non-voters will not address the Town Meeting without the unanimous consent of all voters present and will not participate in voting. Non-resident Town staff will be permitted to address Town Meeting as appropriate and consistent with past precedent.

### **TOWN MEETING PROCEDURE**

**THE MODERATOR** has absolute control of the Town Meeting.

**GENERAL LAWS CHAPTER 39 SECTION 15:** The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes. The Moderator recognizes speakers from the floor, and while they are speaking allows no interruptions except when a point of order is raised.

**WHEN A VOTER WISHES TO SPEAK,** the voter may rise, say, "Mr. Moderator," and wait for recognition. Then, with the microphone, please give your name. The voter may continue with due regard to reasonable brevity, as long as the voter speaks directly to the question under discussion.

**THERE WILL BE NO SMOKING OR STANDING** in the meeting location.

**ANY TIME THE MOTION TO BE VOTED ON IS UNCLEAR,** ask the Moderator before voting.

**VOTERS WILL PLEASE HOLD THEIR BREWSTER VOTER TAG** in their right hand, so that the tellers when counting hand votes will count them.

**NO PERSON IS TO INDULGE IN PERSONALITIES OR DEROGATORIES.** Let us maintain decorum and reason together.

### **MOTIONS**

**MAIN MOTIONS** are always on articles in the Town warrant. They are made, seconded, and then opened for consideration.

**SECONDARY MOTIONS** are motions which refer to main motions. Secondary motions usually amend, postpone, or limit consideration.

**AMENDMENTS** may be offered by any voter to the motion under discussion, provided the scope of the original motion is not enlarged or altered. Amendments are seconded and discussed; they require a majority vote to carry (pass). An amendment need not be voted upon if the proposed change is agreeable to the proponents of original motion. Voters must submit amendments in legible writing.

## **POSTPONE**

**TO REFER TO COMMITTEE "COMMIT"** if changes in a main motion are numerous, take too much time, or require additional information, it is wise to commit the article to a committee. This secondary motion should specify which board or committee. If proposing a new committee, specify how many members, how appointments are to be made, and when the committee should report.

**POSTPONE TO A DEFINITE TIME** defers action on a main motion to a stated hour, usually during the meeting. At the hour specified, it is returned to the floor when a motion is made that the deferred article be considered.

**"LAY ON TABLE"** intends to temporarily lay aside an article. Not debatable; two-thirds vote carries. An article not taken from table before the meeting adjourns is not actionable. To be considered at a subsequent meeting, it must reappear in the warrant for that meeting.

**"TAKE NO ACTION" "PASS OVER" "POSTPONE INDEFINITELY"** are debatable motions and require majority vote. The intent is to defeat the motion.

## **LIMIT CONSIDERATION**

**LIMIT DEBATE** This secondary motion requests a vote to be taken at a specific time. Requires a 2/3 majority vote.

**"MOVE THE PREVIOUS QUESTION"** demands an immediate vote on any motion under consideration without further debate on the motion. May not be debated or amended. Requires 2/3 vote to carry. If it carries, we vote on the main motion that we voted to end the debate on.

## **POINT OF ORDER**

**IF A VOTER QUESTIONS THE LEGALITY** or propriety of the proceedings, the voter may rise, interrupt the speaker and say, "I rise to a point of order" or "question of privilege."

## **VOTES ON MAIN MOTIONS**

Usually carries (passes) with majority of those attending. Quantum of vote for each article is noted in the warrant book.

## **EXCEPTIONS**

**2/3 MAJORITY VOTE REQUIRED** for borrowing of money appropriations for land purchases; land purchase for public purpose; sale or abandonment of unneeded land; abandonment of projects for which money has been borrowed; appropriation for celebration of settlement or incorporation; zoning bylaws.

**4/5 USUALLY REQUIRED** for payment of a bill for which insufficient appropriations made in a previous year, at the Annual Town Meeting. A 9/10 vote is required at a Special Town Meeting.

**POSTPONE INDEFINITELY** requires a majority vote, may be debated, and may not interrupt the speaker.

## Appendix A

### **GLOSSARY OF FINANCIAL TERMS**

**1. Appropriation** – An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended. Only town meeting can authorize money appropriated for one purpose to be used for another. Any amount that is appropriated may be encumbered (see encumbrance). Any part of an annual operating appropriation not spent or encumbered by June 30 automatically reverts to the undesignated fund balance that may result in free cash. If departments know of remaining unpaid bills at the close of the fiscal year and properly notifies the Town Accountant (MGL Ch. 41 Sec. 58), the departmental appropriation is encumbered. This action extends the annual spending authorization until such time that the bill is paid or it is decided not to spend the funds. If these encumbrances are not acted on within ninety days, the Town Accountant generally notifies the department and closes them out. A special purpose appropriation, on the other hand, may carry forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.

**2. Audit** – An examination of systems, procedures, and financial data by a certified public accountant, reporting on the fairness of financial statements and compliance with statutes and regulations. The audit is a valuable management tool for evaluating the fiscal performance of a community.

**3. Available Funds** – Funds established through previous appropriations or resulting from financial operations. They may be appropriated to meet unforeseen expenses, or large non-recurring or capital expenditures. Examples include free cash, stabilization fund, overlay surplus, water surplus, and enterprise retained earnings.

**4. Bond** – A written promise to pay a specified sum of money, called the face value (par value) or principal amount, at a specified date in the future, called the maturity date, together with periodic interest at a specified rate. The difference between a note and a bond is that the latter runs for a longer period of time.

**5. Bond Anticipation Note (BAN)** – A short-term note to provide cash for initial project costs issued in anticipation of bond proceeds. BANs may be issued for a period not to exceed five years, provided principal repayment begins after two years. Communities with approved projects on the School Building Assistance (SBA) priority list may defer principal payments up to five years (approved annually in outside sections of the budget). The final maturity date of the project borrowing, beginning from the date the short-term note was issued, may not exceed the term specified by statute. BANs are full faith and credit obligations.

**6. Bond Authorized And Unissued** – Bond authorized but not yet sold. Issuance is contingent only on action by the Town Treasurer and a majority of the Board of Selectmen.

**7. Bond Counsel** – An attorney or law firm engaged to review and submit an opinion on the legal aspects of a municipal bond or note issue.

**8. Bond Issue** – Generally represents the sale of a certain number of bonds at one time by a governmental unit.

**9. Bond Rating (Municipal)** – A credit rating to help investors determine the risk of losing money in a given fixed-income investment. Agencies specializing in municipal bonds assign a rating, designated by letters or a combination of letters and numerals, based on their opinion of the future ability, legal obligation, and willingness of a bond issuer to make timely debt service payments.

**10. Budget** – A plan of financial operation embodying an estimate of proposed revenues and expenditures for a given period and the proposed means of financing them. A budget may be “preliminary” (the financial plan presented to the town meeting), or “final” (the plan approved by that body). The budget should be separated into basic units, either by department, program, or service. Formatting the budget in this way helps local officials and citizens make policy decisions when allocating scarce resources. It is

also important to include as much information as possible concerning the output or accomplishments expected of a given program or department during the year.

**11. Capital Improvements Program** – A comprehensive plan for planning a community's capital expenditures. It coordinates community planning, fiscal capacity and physical development. While all of the community's needs should be identified in the program, there is a set of criteria that prioritizes the expenditures. The capital program is a plan for capital expenditures that usually extends at least five years beyond the capital budget.

**12. Capital Outlay Expenditure Exclusion** – A vote by a community at an election to exclude payments for a capital project from the levy limit. The exclusion may temporarily increase the levy above the levy ceiling.

**13. Conservation Fund** – This fund may be expended for lawful conservation purposes as described in MGL Ch. 40 Sec. 8C. It may also be expended for damages related to the taking of land by eminent domain provided that such taking has first been approved by two-thirds vote of town meeting.

**14. Contingent Appropriation** – An appropriation that authorizes spending for a particular purpose upon the occurrence of a later event. The grant of spending authority made by an appropriation must be certain at the time of the vote and, therefore, contingent appropriations are not generally permissible. Under MGL Ch. 59 Sec. 21C(m), however, towns may make appropriations from the tax levy, available funds or borrowing, contingent upon the subsequent passage of a Proposition 2-½ override or exclusion question for the same purpose.

**15. Debt Authorization** – Formal approval by a two-thirds vote of town meeting to incur debt, in accordance with procedures stated in MGL Ch. 44.

**16. Debt Exclusion** – A vote by a municipality at an election to exclude debt service payments for a particular capital project from the levy limit. The amount necessary to cover the annual debt service payment is added to the levy limit for the life of the debt only. A debt exclusion may temporarily increase the levy above the levy ceiling.

**17. Debt Limit** – The maximum amount of debt that a municipality may have authorized for qualified purposes under state law.

**18. Debt Service** – The cost usually stated in annual terms, of the principal repayment and interest of any particular issue.

**19. Deficit** – The excess of expenditures over revenues during an accounting period. Also refers to the excess of the liabilities of a fund over its assets.

**20. Eminent Domain** – The power of a government to take property for public purposes provided that fair compensation is paid to the owner. This method is frequently used to obtain real property that cannot be purchased from owners by means of a voluntary transaction.

**21. Enterprise Fund** - Those funds which are established for specific uses under MGL Ch. 44 Sec. 53F1/2 that require an annual appropriation to operate (i.e., Brewster Water Department). Enterprise fund revenue streams are segregated from the general fund into a separate fund and available as a separate financing source for services that generate, or for purposes supported by, those revenues. These include the revenues of enterprise funds established for services typically financed and delivered in a manner similar to private enterprises for the purpose of accounting for all costs, direct or indirect, of providing the services.

**22. Excess Levy Capacity** – The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year. Annually, the Board of Selectmen must be informed of excess levy capacity and their acknowledgment must be submitted to the Department of Revenue when setting the tax rate.

**23. Fiscal Year** – Since 1974, the Commonwealth and municipalities have operated on a budget cycle that begins July 1 and ends June 30. The designation of the fiscal year is that of the calendar year in which the

fiscal year ends. For example, the 2000 fiscal year is July 1, 1999 to June 30, 2000, and is usually written as FY2000. Since 1976, the federal government has had a fiscal year that begins October 1 and ends September 30.

**24. Free Cash** – Unrestricted funds from operations of the previous fiscal year that are certified by the Director of Accounts as available for appropriation. Remaining funds include unexpended free cash from the previous year, receipts in excess of estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based upon the balance sheet as of June 30, which is submitted by the Town Accountant. A community should maintain a free cash balance to provide a hedge against unforeseen expenditures and to ensure there will be an adequate reserve to prevent sharp fluctuations in the tax rate. Maintenance of an adequate free cash level is not a luxury but a necessary component of sound local fiscal management. Credit rating agencies and other members of the financial community expect municipalities to maintain free cash reserves and make judgments regarding a community's fiscal stability, in part, on the basis of free cash.

**25. Fund** – An accounting entity with a self-balancing set of accounts that are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with specific regulations, restrictions, or limitations.

**26. Fund Accounting** – Organizing the financial records of a municipality into multiple funds. A fund is a distinct entity within the municipal government in which financial resources and activity (assets, liabilities, fund balances, revenues and expenditures) are accounted for independently in accordance with specific regulations, restrictions and limitations. Examples of funds include the general fund and enterprise funds.

**27. General Fund** – The fund used to account for most financial resources and activities governed by the normal town meeting appropriation process.

**28. General Obligation Bonds** – Bonds issued by a municipality that are backed by the full faith and credit of its taxing authority.

**29. Interest** – Compensation paid or to be paid for the use of money, including amounts payable at periodic intervals or discounted at the time a loan is made.

**30. Interest Rate** – The interest payable, expressed as a percentage of the principal available, for use during a specified period of time. It is always expressed in annual terms.

**31. Levy** – The amount a community raises through the property tax. The levy can be any amount up to the levy limit.

**32. Levy Ceiling** – The maximum levy assessed on real and personal property may not exceed 2 ½ percent of the total full and fair cash value of all taxable property (MGL Ch. 59 Sec. 21C). Property taxes levied may exceed this limit only if the community passes a capital exclusion, a debt exclusion, or a special exclusion.

**33. Levy Limit** – The maximum amount a community can levy in a given year. The limit can grow each year by 2 ½ percent of the prior year's levy limit plus new growth and any overrides. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion.

**34. Municipal(s)** – Municipal refers to any state or subordinate governmental unit. "Municipals" (i.e., municipal bonds) include not only the bonds of all local subdivisions, such as cities, towns, school districts, special districts, but also bonds of the state and agencies of the state.

**35. Municipal Revenue Growth Factor (Mrgf)** – An estimate of the percentage change in a municipality's revenue growth for a fiscal year. It represents the combined percentage increase in the following revenue components; automatic 2 ½ percent increase in the levy limit, estimated new growth, the change in selected unrestricted state aid categories, and the change in selected unrestricted local receipts (Education Reform Act of 1993).



**36. New Growth** – The taxing capacity added by new construction and other increases in the property tax base. New growth is calculated by multiplying all increases in value which are not the result of revaluation by the tax rate of the previous fiscal year, for example, FY2020 new growth is determined by multiplying the value on January 1, 2019 by the FY2019 tax rate. Assessors must submit documentation of new growth to the BLA annually before setting the tax rate. Documentation should be retained for five years in the event of a BLA audit.

**37. Override** – A vote by a community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount.

**38. Override Capacity** – The difference between a community's levy ceiling and its levy limit. It is the maximum amount by which a community may override its levy limit.

**39. Proposition 2 ½** – MGL Ch. 59 Sec. 21C was enacted in 1980 and limits the amount of revenue a city or town may raise from local property taxes each year. This amount is the community's annual levy limit. The law allows the levy limit to increase each year by 2.5% plus any new growth revenue derived from taxes from new construction and alterations. This amount may not exceed the community's levy ceiling. Proposition 2 ½ also established two types of voter approved increases in local taxing authority – overrides and exclusions.

**40. Reserve Fund** – An amount set aside annually within the budget of a city (not to exceed 3% of the tax levy for the preceding year) or town (not to exceed 5% of the tax levy for the preceding year) to provide a funding source for extraordinary or unforeseen expenditures. In a town, the Finance Committee can authorize transfers from this fund for "extraordinary or unforeseen" expenditures. Other uses of the fund require budgetary transfers by town meeting.

**41. Revenue Anticipation Borrowing** – Cities, towns and districts may issue temporary notes in anticipation of taxes (TAN's) or other revenue (RAN's). The amount of this type of borrowing is limited to the total of the prior year's tax levy, the net amount collected in motor vehicle and trailer excise in the prior year and payments made by the Commonwealth in lieu of taxes in the prior year. According to MGL Ch. 44 Sec. 4, cities, towns, and districts may borrow for up to one year in anticipation of such revenue.

**42. Revenue Anticipation Note (RAN)** – A short-term loan issued to be paid off by revenues, such as tax collections and state aid. RANs are full faith and credit obligations.

**43. Revenue Bond** – A bond payable from and secured solely by specific revenues and thereby not a full faith and credit obligation.

**44. Stabilization Fund** – A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. Communities may appropriate into this fund in any year an amount and any interest shall be added to and become a part of the fund. A two-thirds vote of town meeting is required to appropriate money from the Stabilization Fund.

**45. Tax Rate** – The amount of property tax stated in terms of a unit of the municipal tax base; for example, \$9.50 per \$1,000 of assessed valuation of taxable real and personal property.

**46. Underride** – A vote by a community to permanently decrease the tax levy limit. As such, it is the exact opposite of an override.

**47. Warrant** – An authorization for an action. For example, a town meeting warrant establishes the matters that may be acted upon by that town meeting. A treasury warrant authorizes the treasurer to pay specific bills. The assessors' warrant authorizes the tax collector to collect taxes in the amount and from the persons listed, respectively.

